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TRANSMITTAL LETTER			Case No. 3614/174
Serial No. 09/832,269	Filing Date April 10, 2001	Examiner Zohreh A. Fay	Group Art Unit 1614
Inventor(s) Peyman et al.			
Title of Invention Retinal Treatment Method			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Second Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of References C1-C57.

- |                          |  |                      |
|--------------------------|--|----------------------|
| <input type="checkbox"/> | Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted. | <b>RECEIVED</b>      |
| <input type="checkbox"/> | Applicant claims small entity status. See 37 CFR1.27.  | APR 07 2004          |
| <input type="checkbox"/> | Petition for a _____month extension of time.   | TECH CENTER 1600/290 |
| <input type="checkbox"/> | No additional fee is required.   |                      |
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Small Entity					Other Than Small Entity	
	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee
Total		Minus			x \$9=	
Indep.		Minus			x 42=	
First Presentation of Multiple Dep. Claim					+\$140=	
					Total add'l fee	\$
					Total add'l fee	\$

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A check in the amount of \$\_\_\_\_\_. to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 8, 2003.

August 8, 2003

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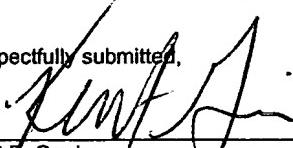
Other Than  
Small Entity

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x 42=			x \$84=	
+\$140=			+\$280=	
	Total add'l fee	\$		Total add'l fee \$

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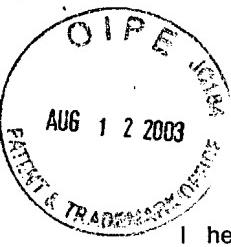
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 Attorney for Applicant  
 Customer No. 00757 - Brinks Hofer Gilson Lione

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Date: August 8, 2003 Signature: Kent E. Genin



**CERTIFICATE OF MAILING**

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Kent E. Genin  
Name of Applicant, Assignee or  
Registered Representative  
*[Signature]*  
Signature  
August 8, 2003  
Date of Signature

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PATENT  
CASE NO. 3614/174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Peyman et al.	)	
	)	Examiner: Zohreh A. Fay
Serial No. 09/832,269	)	
	)	
Filed: April 10, 2001	)	Group Art Unit: 1614
	)	
For: RETINAL TREATMENT	)	
METHOD	)	

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the obligation under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. § 1.97-1.99, Applicant hereby submits the following references for consideration by the Examiner.

## U.S. PATENTS

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
1,325,669	12/23/19	Green
4,681,102	07/21/87	Bartell
4,836,202	06/06/89	Krasner
4,936,827	06/26/90	Grimm et al.
5,273,530	12/28/93	Del Cerro et al.
5,288,291	02/22/94	Teoh
5,484,403	01/16/96	Yoakum et al.
5,676,679	10/14/97	Simon et al.
5,814,017	09/29/98	Kashmer
5,817,075	10/06/98	Giungo
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6,066,675	05/23/00	Wen et al.
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6,387,101 B1	05/14/02	Butts et al.
6,427,087 B1	07/30/02	Chow et al.

## FOREIGN DOCUMENTS

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
WO 99/15119	04/01/99	PCT

## OTHER ART

Acheson, A., P.A. Barker, R.F. Alderson, F.D. Miller, et al., "Detection of Brain-Derived Neurotrophic Factor-Like Activity in Fibroblasts and Schwann Cells: Inhibition by Antibodies to NGF", Neuron, Vol. 7, 1991, pp 265-75.

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Klinke, R., Kral, A., Heid, S., Tillein, J., and Hartmann, R., "Recruitment of the Auditory Cortex in Congenitally Deaf Cats by Long-Term Cochlear Electrostimulation", Science, Vol. 285, 1999, pp. 1729-1733.

Koyama, S., Haruyama, T., Kobatake, E., and Aizawa, M., "Electrically Induced NGF Production by Astroglial Cells", *Nature Biotechnol.*, Vol. 15, 1997, pp 164-166.

Lagey, C.L., Roelofs, J.M., Janssen, L.W.M., Breedijk, M., et al., "Electrical Stimulation of Bone Growth with Direct Current", *Clin. Orthop.*, No. 204, 1986, pp 303-312.

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Leake, P.A., Hradek, G.T., and Snyder, R.L., "Chronic Electrical Stimulation by a Cochlear Implant Promotes Survival of Spiral Ganglion Neurons after Neonatal Deafness", *J. Comp. Neurol.*, Vol. 412, 1999, pp 543-562.

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Majji, Ajit, et al.: "Long Term Histological and Electrophysiological Results of an Inactive Epiretinal Electrode Array Implantation in Dogs", *Investigative Ophthalmology & Visual Science*, August 1999, Vol. 40, No. 9, pp. 2073-2081.

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Neely, M.D., and Nicholls, J.G., "Electrical Activity, Growth Cone Motility and the Cytoskeleton", *J. Exp. Biol.* Vol. 198, 1995, pp 1433-1446.

Pagon, R.A., "Retinitis Pigmentosa", *Survey Ophthalmol.*, Vol. 33, 1988, pp 137-177.

Paton, D., Goldberg, M.F., Management of Ocular Injuries, Philadelphia, W.B. Saunders Co., 1976, pp 134-135.

Peachey, N.S., and Chow, A.Y., "Subretinal Implantation of Semiconductor-Based Photodiodes: Progress and Challenges", *J. Rehabil. Res. Develop.*, Vol. 36, No. 4, 1999, pp 1-7.

Peyman, Gholam, MD, et al.: "Subretinal Semiconductor Microphotodiode Array", *Ophthalmic Surgery and Lasers*, March 1998, Vol. 29, No. 3, pp. 234-241.

Politis, M.J., Zanakis, M.F., and Albala, B.J., "Facilitated Regeneration in the Rat Peripheral Nervous System Using Applied Electric Fields", *J. Trauma.*, Vol. 28, 1988, pp 1375-1381.

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*Science News*, Vol. 105, No. 5, p. 105, February 2, 1974.

*Science*, July, 1981.

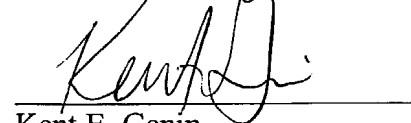
#### EXPLANATION OF THE REFERENCES

As of the day of filing of this information disclosure statement, a first office action on the merits has not been received by the undersigned. Accordingly, no fee for consideration of the information provided with this disclosure statement is included herewith, as permitted by 37 C.F.R. § 1.97(b)(3). However, if an office action on the merits is mailed on a date prior hereto, Applicant hereby requests and authorizes the Commissioner to charge Deposit Account 23-1925 for the appropriate fee of \$180 as set forth in 37 C.F.R. § 1.97(c) for consideration of the information set forth in this disclosure statement.

Applicant requests to have these references included in the record of this application. Applicant further requests that the Examiner review the entire disclosure of each reference. Applicant does not represent any of these references to be prior art and

Applicant reserves the right to disqualify any references by the showing of an earlier date of invention, if appropriate.

Respectfully Submitted,

  
\_\_\_\_\_  
Kent E. Genin  
Reg. No. 37,834  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-7732

OIPA  
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FORM PTO-1449		SERIAL NO. 09/832,269	CASE NO. 3614/174
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		FILING DATE April 10, 2001	GROUP ART UNIT 1614
(use several sheets if necessary)		APPLICANT(S): Peyman et al.	

**REFERENCE DESIGNATION**      **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
C1	1,325,669	12/23/19	Green		
C2	4,681,102	07/21/87	Bartell		
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C21	6,427,087 B1	07/30/02	Chow et al.		

**FOREIGN PATENT DOCUMENTS**

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C22	WO 99/15119	04/01/99	PCT		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	C23	Acheson, A., P.A. Barker, R.F. Alderson, F.D. Miller, et al., "Detection of Brain-Derived Neurotrophic Factor-Like Activity in Fibroblasts and Schwann Cells: Inhibition by Antibodies to NGF", Neuron, Vol. 7, 1991, pp 265-75.
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C39	Lambiase, A., and Aloe, L., "Nerve Growth Factor Delays Retinal Degeneration in C3H Mice", Graefe's Arch. Clin. Exp. Ophthalmol., Vol. 234, 1996, pp 96-100.	
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C41	Leake, P.A., Hradek, G.T., Rebscher, S.J., and Snyder, R.L., "Chronic Intracochlear Electrical Stimulation Induces Selective Survival of Spiral Ganglion Neurons in Neonatally Deafened Cats", Hear. Res., Vol. 54, 1991, pp 251-271.	

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C46	Paton, D., Goldberg, M.F., Management of Ocular Injuries, Philadelphia, W.B. Saunders Co., 1976, pp 134-135.	
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